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Attorney for Plaintiff
TMP DIRECTIONAL MARKETING, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

TMP DIRECTIONAL MARKETING, LLC)	Case No. 4:09-CV-1334-PJH
)	
Plaintiff,)	TMP'S CASE MANAGEMENT
)	STATEMENT AND ORDER
v.)	
)	Judge: Phyllis J. Hamilton
ALL MY SONS MOVING & STORAGE OF)	Courtroom: 3
SACRAMENTO, INC. d/b/a AMS MOVING &)	Date: April 7, 2011
STORAGE, INC., AMS MOVING &)	Time: 2:00 p.m.
STORAGE, INC. and ALL MY SONS)	
BUSINESS DEVELOPMENT CORPORATION,)	
)	
Defendants.)	

TMP'S CASE MANAGEMENT STATEMENT

Plaintiff TMP DIRECTIONAL MARKETING, LLC ("TMP") hereby submits the following Case Management Statement.

1. **Jurisdiction and Service**: The Court has subject matter jurisdiction over TMP's claims pursuant to 28 U.S.C. §1332, as the parties are citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interests and costs. All

CASE MANAGEMENT STATEMENT –
4:09-CV-1334-PJH

1 My Sons Moving & Storage of Sacramento, Inc. d/b/a AMS Moving & Storage, Inc.
2 (“AMS Sacramento”) previously filed an answer, but is no longer represented by
3 counsel. No issues exist with regard to the Court’s exercise of personal jurisdiction
4 over AMS Sacramento or venue, and no parties remain to be served. On August 12,
5 2009, the Court granted Defendant ALL MY SONS BUSINESS DEVELOPMENT
6 CORPORATION’s (“BD Corp.”) Motion to Dismiss, finding that the Court did not
7 have personal jurisdiction over BD Corp. BD Corp. was subsequently dismissed
8 from the lawsuit on August 18, 2009.
9

10 2. **Facts**

- 11 i. On October 13, 2009, default judgment was entered against Defendant AMS
12 MOVING & STORAGE, INC. (“AMS”).
13
14 ii. AMS Sacramento is now in default by virtue of it no longer being represented by
15 counsel.
16
17 iii. On February 17, 2011, pursuant to Fed. R. Civ. P. 37(b)(2)(A), this Court entered
18 a default against AMS Sacramento for its failure to obey the Court’s discovery order
19 dated January 4, 2011.
20
21 iv. On February 22, 2011, notice of the Entry of Default and Order on Motion for
22 Sanctions was e-mailed to AMS Sacramento. See Docket Nos. 85-87. **All**
23 **defendants are now either dismissed, had judgment entered against them, or are**
24 **in default.**

- 1 v. Simultaneous with the filing of this Case Management Statement, TMP intends to
2 file a Motion for Entry of Default Judgment against AMS Sacramento pursuant to this
3 Court's Order and the Notice of Entry.
4
5 3. **Legal Issues**: Whether AMS Sacramento should have a default judgment entered
6 against it for \$193,485.45.
7
8 4. **Motions**: This Court entered a default against AMS Sacramento.
9
10 5. **Amendments of Pleadings**: None
11
12 6. **Evidence Preservation**: N/A
13
14 7. **Disclosures**: TMP has made its disclosures.
15
16 8. **Discovery**: No outstanding discovery.
17
18 i. **Proposed Discovery Plan**: N/A
19
20 9. **Relief**: TMP seeks damages in the amount of \$193,485.45 against AMS Sacramento.
21
22 10. **Settlement and ADR**: N/A
23
24 11. **Consent to Magistrate Judge for All Purposes**: TMP will not consent to the
25 jurisdiction of a magistrate judge.
26
27 12. **Other References**: The case is not suitable for reference to binding arbitration, a
28 special master or the Judicial Panel on Multidistrict Litigation.

13. **Narrowing of Issues**: N/A
14. **Expedited Schedule**: N/A

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